

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2001:

Present

Vote

James S. Burgett, Chairman
Donald E. Wiggins, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
H. R. Ashe

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE A SERIES OF TECHNICAL
AMENDMENTS TO CHAPTER 24.1, ZONING, YORK COUNTY
CODE

WHEREAS, the York County Board of Supervisors adopted the County's Zoning Ordinance on June 25, 1995; and

WHEREAS, certain omissions, unintentional conflicts and suggested minor adjustments were brought to the attention of the Planning Commission; and

WHEREAS, the Planning Commission thereupon sponsored Application No. ZT-60-01 containing a series of technical correction amendments to the Zoning Ordinance; and

WHEREAS, the Planning Commission has recommended approval of this application; and

WHEREAS, the Board has carefully considered the recommendation of the Commission and has conducted a duly advertised public hearing in accordance with applicable procedure;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this ____ day of _____, 2001, that Application No. ZT-60-01 be, and it is hereby, approved to revise Chapter 24.1, Zoning, York County Code, for the purpose of making the following technical corrections:

ARTICLE I. IN GENERAL

Sec. 24.1-104. Definitions.

* * *

Dwelling unit. A single unit of one or more rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking, and sanitation.

< *Dwelling, accessory unit/apartment.* A separate and complete housekeeping unit which provides complete and independent living, sleeping, sanitation, and cooking facilities. Such unit may be contained within or outside of a primary residence but is clearly secondary to a primary single-family dwelling located on the same lot. When in a detached structure, the presence of a living area and a bathroom with sink, toilet and tub or shower shall be considered to constitute an accessory apartment. When a part of the principal structure on the property, the presence of an independent entrance, a bathroom with sink, toilet and tub/shower, and physical separation (by walls or floors) from the principal residence shall be deemed to constitute an accessory apartment.

Full cut-off luminaire. An outdoor lighting fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane defined by the fixture.

* * *

Nightclub. An establishment that offers alcoholic beverages at a bar or tables and which may also include ,restaurant, coffee house, or similar establishment where a dance floor or periodic live entertainment is provided and which is open for business after 11:00 p.m.

* * *

Surface mine. Any operation involving the breaking or disturbing of the surface soil or rock, where the primary purpose of the operation is to extract or remove sand, soil, gravel, or other natural materials from the earth and to transport the material, or any portion thereof, off the site of the surface mine operation. Specifically exempt from this definition are the following:

< Any excavation for roads, utilities, buildings, drainage structures, channels or ditches, or ponds, lakes or other water bodies or features, whether intended for drainage, recreational or aesthetic purposes, when such excavations are determined by the zoning administrator to be incidental to and in accordance with the

approved development plans or site plans for a residential, commercial, industrial or other development activity, even though the excavated material, or a portion thereof, may be hauled off- site and sold. In no case shall any exempted pond or lake have a water depth exceeding thirty-three feet (33') [10m].

- < Any excavation for the purpose of conducting a bona fide agricultural operation, including but not limited to excavations to improve drainage, provide watering facilities for livestock or create a holding lagoon for animal waste, but only so long as such excavation is devoted solely to such use.
- < Any trench, ditch or hole for utility lines, drainage pipe or other similar public works facilities or projects.
- < Excavations for the installation of underground storage tanks, if to be backfilled to natural grade.
- < Excavations for the purpose of enlarging or improving an existing structure.
- < Any excavation for a pond or lake less than one (1) acre in size when, in the opinion of the zoning administrator, the sole purpose of such pond or lake is the recreational or aesthetic use and benefit of the occupants or intended occupants of the property and the objectives of this chapter would not be served by requiring a use permit. In no case shall any exempted pond or lake have a water depth exceeding thirty-three feet (33')[10m].
- < Any excavation found by resolution of the board of supervisors to be operated, or proposed to be operated, directly or indirectly by or for the exclusive benefit of the Commonwealth of Virginia for the purpose of facilitating public roadway improvements, provided that such operation will not result in the creation of an excavated pit on the subject property, and provided further that the board is assured that such surface mining operation will be conducted in accordance with appropriate erosion and sediment control practices.

Notwithstanding the foregoing, in any of the above situations where the Zoning Administrator determines that the primary purpose or motivation for the excavation is to sell the excavated material as a commercial undertaking, the excavation shall be considered a surface mine and shall be subject to special use permit review.

Sec. 24.1-113. Amendments.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the board may by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property established by this chapter.

(c) *Procedures for amendment.*

- (1) Applications for amendment of the zoning ordinance shall be submitted to the zoning administrator and upon completion of all filing requirements, including payment of required fees, shall be deemed received by the board and referred to the commission for its review and recommendation as provided by section ~~15.1-493~~ 15.2-2285, Code of Virginia.
- (2) The commission, after public notice in accordance with section ~~15.1-431~~ 15.2-2204, Code of Virginia shall hold at least one public hearing on such petition and as a result thereof shall transmit a recommendation to the board. Failure of the commission to report ~~(90) ninety~~ within one hundred (100) days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the board of supervisors, shall be deemed approval, unless such proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of such time period. In the event of such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required by this subsection.
- (3) In the case of a proposed amendment to the zoning map, such public notice shall state the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by section 15.2-2204~~15.1-431~~, Code of Virginia. Such ordinances shall be enacted in the same manner as all other ordinances.
- (4) Upon receipt of the recommendation of the commission, the board, after public notice in accordance with section 15.2-2204~~15.1-431~~, Code of Virginia shall hold at least one public hearing on such petition for amendment, and as a result thereof shall make such changes to the chapter as it deems appropriate, provided further that the board shall act upon and make a decision upon each petition within one (1) year of the date such petition was filed.

Sec. 24.1-114. Conditional zoning.

(b) *Proffer of conditions.*

- (1) The owner or owners of property for which an application is being made for an amendment to the zoning map may, as part of the application, voluntarily proffer, in writing, reasonable conditions which shall be in addi-

tion to the regulations of the zoning district classification sought by the application.

- (2) Conditions so proffered may be made prior to the public hearing before the commission. Alternatively, or in addition, in consideration of comments expressed during the commission deliberations on an application, the property owner(s) may, prior to the final public hearing conducted by the board, choose to proffer original conditions or revised conditions.
- (3) The board as part of an amendment to the zoning map, may accept such reasonable conditions in addition to the regulations provided by this chapter for the zoning district to which the amendment is requested provided that:
 - a. the rezoning itself gives rise to the need for the conditions;
 - b. such conditions have a reasonable relation to the rezoning; and
 - c. all such conditions are in conformity with the adopted comprehensive plan; and
 - d. if proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

Reasonable conditions shall not include, however, conditions that impose upon the applicant the requirement to create a property owners' association under Chapter 26 (sec. 55-508 et seq) of Title 55, Code of Virginia, which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments, and other public facilities not otherwise provided for in section 15.2-2241, Code of Virginia; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Virginia Department of Transportation.

Sec. 24.1-115. Special use permits.

- (c) *Procedures applicable to permits.*

- (1) Unless otherwise specified by the conditions of the permit, failure to establish the special use authorized by the permit within two (2) years from the date of approval by the board shall cause the permit to terminate automatically. In the case of uses involving the construction of new buildings or other structures, the use shall be deemed “established” if all necessary foundation work has been completed within the two-year period and construction work is continuously and diligently pursued thereafter under a valid building permit. In the case of uses involving occupancy of land or an existing building, the use shall be deemed “established” only if the land or buildings have been occupied and the proposed activity conducted within the two-year period.
- (2) Unless otherwise specified in the conditions of a permit, the initial term of each special use permit shall be for one (1) year from the date of approval. Upon compliance with those conditions and restrictions imposed by the board and all relevant county ordinances, the special use permit shall, without application, be renewed automatically for additional successive one (1) year terms. However, a special use permit shall not be so renewed and shall expire at the end of the term or current renewal thereof if notice of noncompliance with any material condition or restriction is mailed by certified mail to the permittee, at the address shown on the application for the permit or any new address of which the zoning administrator subsequently receives written notice, more than thirty (30) days before the end of the term or the renewal thereof then in effect and such noncompliance is not corrected within thirty (30) days to the satisfaction of the zoning administrator.

The provisions of this section are cumulative with the power of injunction and other remedies afforded by law to the county and, further, shall not be so interpreted as to vest in any applicant any rights inconsistent or in conflict with the power of the county to rezone the subject property or to exercise any other power provided by law.

- (3) Once a special use permit is granted, such use may be enlarged, extended, increased in intensity or relocated only in accordance with the provisions of this section unless the board, in approving the initial permit, has specifically established alternative procedures for consideration of future expansion or enlargement. ~~The provisions of article VIII relative to expansion of nonconforming uses shall not be construed to supersede this requirement unless the specially permitted use for which the permit was initially granted is, in fact,~~ If, however, the specially permitted use is no longer a use permitted in ~~any fashion in~~ the zoning district in which located, the provisions of article VIII relative to expansion of nonconforming uses shall control any proposed enlargement of the use. If the use that is the subject of the special use permit becomes a use permitted as a matter-of-right through subsequent amendment of this chapter, the special use

permit conditions shall be voided but only to the extent they are more restrictive than those conditions applicable generally to such by-right use.

- (4) Uses in a district for which a special use permit is required, which were legally existing without such a permit at the time of adoption of this chapter or an amendment thereto which required such a special use permit, shall not be deemed nonconforming uses, but shall, without further action, be deemed conforming special uses so long as they continue in existence. Such special uses shall be subject to the provisions of subsection (d) below with respect to any enlargement, extension, increase in intensity or relocation.
- (5) Where any special use is discontinued for any reason for a continuous period of two (2) years or more, the special use permit shall automatically terminate without notice. A use shall be deemed to have been "discontinued" when the use shall have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

ARTICLE II. GENERAL REGULATIONS

DIVISION 5. TRANSPORTATION SYSTEMS ANALYSIS, MANAGEMENT AND SAFETY

* * *

Sec. 24.1-252. Access management.

- (a) Access to a use shall be considered to be part of the use and shall require an equivalent or greater intensity zoning classification, unless over a publicly owned and maintained right-of-way. Any entrance or driveway from an existing or proposed by a non-residential use, to a ~~residential~~ street created as part of a residential subdivision, classified as a minor collector or lower order and located within a residential zoning district shall be authorized only upon the issuance of a special exception use permit by the board. Prior to considering requests for such special exceptions, the board shall receive a recommendation from the commission and shall conduct at least one (1) public hearing advertised in accordance with section ~~15.1-434~~ 15.2-2204, Code of Virginia, except that all property owners along the residential street proposed to be accessed shall be mailed notice of the proposal and the times and places when public comment may be offered. The commission shall also conduct a duly advertised public hearing before transmitting a recommendation to the board. This provision shall not apply to home oc-

cupations established and operated in accordance with this chapter, nor shall it apply to community recreation facilities constructed to serve the residential community in which located, nor shall it apply to pump stations and similar utility appurtenances.

DIVISION 6. SITE DESIGN STANDARDS

Sec. 24.1-260. General site design standards.

- (a) No more land shall be disturbed than is reasonably necessary to provide for the desired use or development. All site plans shall clearly delineate land areas to be disturbed and those which shall remain undisturbed.
- (b) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the proposed use and development.
- (c) Best management practices shall be applied to all land disturbing activities regulated by this chapter.
- (d) Land development proposals shall be designed to minimize impervious cover consistent with the particular use proposed.
- (e) New construction on existing slopes in excess of thirty percent (30%) shall be prohibited unless the zoning administrator, after reviewing a detailed soils, geology, and hydrology survey prepared in accordance with acceptable engineering standards and submitted by the applicant, determines that such construction can be accommodated without creating or exacerbating erosion, seepage, or nutrient transport problems. Such survey shall include cross-sections of existing and proposed slopes and detailed plans of drainage devices. Grading such slopes to less than thirty percent (30%) shall also be prohibited unless the zoning administrator determines that such grading is necessary to the overall development; however, in no case shall such grading be used to permit new construction which otherwise would have been prohibited.
- (f) Except as exempted below, all outdoor lighting in excess of 3,000 initial lumens associated with land use and development proposals, whether new uses or changes and modifications in existing uses, shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent rights-of-way and properties and shall incorporate the use of "full cut-off" luminaires/fixtures. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixture and luminaries for such uses. The following outdoor lighting applications shall be exempt from these requirements:

- (1) Construction, agricultural, emergency or holiday decorative lighting of a temporary nature.
- (2) Lighting of the United States of America, Commonwealth of Virginia, or York County flags and other non-commercial flags.
- (3) Security lighting controlled by sensors which provide illumination for fifteen (15) minutes or less.
- (4) The replacement of an inoperable lamp or component which is in a luminaire that was installed prior to the effective date of this section.
- (5) The replacement of a failed or damaged luminaire which is one of a matching group serving a common function.

In addition to the above-noted exemptions, the Zoning Administrator may approve a modification of the full cut-off luminaire requirements in either of the following circumstances:

- Upon finding that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree; or
- Upon finding that the outdoor luminaire or system of outdoor luminaires required for a baseball, softball, football, soccer or other athletic field cannot reasonably comply with the standard and provide sufficient illumination of the field for its safe use.

DIVISION 7. ACCESSORY USES

* * *

Sec. 24.1-271. Accessory uses permitted in conjunction with residential uses.

The following accessory uses shall be permitted in conjunction with residential uses. No accessory use, activity or structure, except fences, shall be constructed or conducted until the principal use of the lot has commenced, or the construction of the principal building/structure has commenced and is thereafter diligently and continuously pursued to completion:

- (h) Parking or storage of small cargo or utility trailers, recreational vehicles and similar equipment, including, but not limited to, boats, boat trailers, motor

homes, tent trailers and horse vans, and also including commercial vehicles having a carrying capacity of 1-ton or less and used as transportation by the occupant of the dwelling to and from their place of employment, provided that the following requirements are observed:

- (1) such vehicles or equipment may not be parked or stored in front yards except on the driveway;
- (2) such vehicles or equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot;
- (3) wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

(j) Fences or walls in single-family residential districts provided that:

- (1) fences or walls located in rear yards shall not exceed eight feet (8') [2.5m] in height;
- (2) fences or walls located in side yards shall not exceed six feet (6') [2m] in height;
- (3) fences or walls located in front yards shall not exceed four feet (4') [1.5m] in height;
- (4) fences or walls located on corner lots shall be subject to the visibility standards established in section 24.1-220;
- (5) the above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this chapter; in addition, in the case of lots having multiple street frontages which by definition would be considered "front yards," the Zoning Administrator may authorize the installation of fences up to six (6) feet in height, rather than the 4-foot limit specified above, to provide privacy for the side and rear yard areas of the dwelling based on its orientation on the lot.; and

- (6) The "finished" side of any fence shall face outward towards surrounding properties and rights-of-ways, except where the Zoning Administrator determines such orientation to be impractical or unnecessary given existing fences or other extenuating circumstances on the adjacent property.
- (7) No barbed wire or electrified or similar type fences shall be permitted except in conjunction with a bona fide agricultural operation.

Sec. 24.1-272. Accessory uses permitted in conjunction with commercial and industrial uses.

The following accessory uses shall be permitted in conjunction with commercial and industrial uses. No accessory use, activity or structure, except fences, shall be constructed or conducted until the principal use of the lot has commenced, or the construction of the principal building/structure has commenced and is thereafter diligently and continuously pursued to completion :

- (a) Fences or walls provided that:
 - (1) fences or walls located in side or rear yards shall not exceed eight feet (8') [2.5m] in height;
 - (2) fences or walls located in front yards shall not exceed six feet (6') [2m] in height provided that corner visibility standards, as established in section 24.1-220 shall be observed;
 - (3) the above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this chapter; and
 - (4) the "finished" side of fences shall face any adjacent public right-of-way or residential zoning districts except where the Zoning Administrator determines such orientation to be impractical or unnecessary given existing fences or other extenuating circumstances on the adjacent property.

DIVISION 8. HOME OCCUPATIONS

* * *

Sec. 24.1-283. Home occupations permitted by special use permit.

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements as set forth in article I, the following and materially similar types of home occupations subject to the specified conditions:

(e) Home occupations with non-resident employees.

(1) All home occupation categories whether permitted as a matter of right or by special use permit under section 24.1-282 and 24.1-283 may be authorized under this section to include one (1) or more non-resident employees. The allowable number of non-resident employees shall be specified in the use permit approval.

(2) Evaluation of this allowance shall be based on the general provisions of section 24.1-281 and applicable requirements as set forth in section 24.1-283.

(3) The term of any use permit issued under the provisions of this section shall be for two (2) years or such other specific time period (either lesser or greater) as may be deemed appropriate by the board. Nothing in this section shall be construed to prevent the operator of the home occupation from applying for a new permit prior to or after expiration of the initial permit.

~~(g) The term of any use permit issued under the provisions of this section shall be for two (2) years or such other specific time period (either lesser or greater) as may be deemed appropriate by the board. Nothing in this section shall be construed to prevent the operator of the home occupation from applying for a new permit prior to or after expiration of the initial permit.~~

ARTICLE III. DISTRICTS

DIVISION 1. IN GENERAL

* * *

Sec. 24.1-302. Uses not listed.

It is the intent of this chapter to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by special permit. In the event a particular use is not listed in this chapter, and such use is not listed in section 24.1-307~~6~~ as a prohibited use and is not prohibited by law, then the zoning administra-

tor shall determine whether a materially similar use exists in this chapter. Should the zoning administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the administrator's decision shall be recorded in writing. Should the zoning administrator determine that a materially similar use does not exist, the matter shall be referred to the planning commission for consideration of the initiation of an application for amendment of the chapter to establish a specific listing for the use in question.

Sec. 24.1-306. Table of land uses.

* * *

<i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL USE PERMIT</i> USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RM F	NB	LB	GB	WC I	EO	IL	IG
	CATEGORY 9 - RECREATION AND AMUSEMENT (NON-GOVERNMENTAL)												
1. Theater - Indoor									P		P		
2. Health, Exercise, Fitness Centers Including Swimming and Racquet Sports													
a) Indoor Only							S	P	P		P	P	P
b) Indoor & Outdoor								S	P		P	P	P
3. Bowling Alley									P		P		
4. Video Arcade, Pool Hall, Billiards Hall, <u>Bingo Hall</u>									S		S		
5. Indoor Family Amusement Center								S	P		P		
6. Skating Rink									P		P		
7. Firing Range-Indoor Only									S			S	S
8. Miniature Golf, Waterslide, Skateboard Rink, Baseball Hitting Range, Outdoor Commercial Amusement									S		S		
9. Golf Driving Range	S								P		S	S	S
10. Country Club or Golf Course, Public or Private	S	S	S	S	S	S		S			S		
11. Campgrounds	S	S							S	S			
12. Theme Park, Amphitheater, Stadium									S		S	S	S
13. Marina, Dock, Boating Facility (Commercial)										P		P	P
14. Marina, Dock, Boating Facility (Private/Club)	S	S	S	S	S	S				P		P	P

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<i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL</i>	RESIDENTIAL DISTRICTS	COMMERCIAL AND INDUSTRIAL
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USE PERMIT USES							DISTRICTS							
	RC	RR	R20	R13	R7	RM F	NB	LB	GB	WC I	EO	IL	IG	
	CATEGORY 11 - BUSINESS / PROFESSIONAL SERVICE													
1. Broadcasting Studio								P	P		P	P	P	
2. Barber/Beauty Shop							P	P	P		P		P	
3. Apparel Services (Dry Clean- ing/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P	
4. Funeral Home								S	P		P			
5. a) Photographic Studio							S	P	P		P	P	P	
b) Film Processing Lab								S	P		P	P	P	
6. Household Items Repair									P		P	P	P	
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)									S					
8. a) Banks, Financial Institutions							P	P	P		P			
b) Freestanding Automatic Teller Machines							P	P	P	S	P			
9. Offices						S	P	P	P		P	P	P	
10. Hotel & Motel								S	P	S	P			
11. Timeshare Resort						S			S	S	S			
12. Restaurant/Sit Down								P	P		P			
13. Restaurant/Brew-Pub									P		P			
14. Restaurant/Fast Food								S	P		S			
15. Restaurant/Drive In								S	P		S			
16. Restaurant - Carry- out/Delivery only							S	P	P		S			
17. Catering Kitchen/Services							S	P	P		S			
18. Nightclub								S	S		S			
19. Commercial Reception Hall or Conference Center							S	S	P		P			
2017. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P		P	P	
2118. Tool, Household Equip- ment, Lawn & Garden Equip- ment, Rental Establishment									P		P	P	P	
2219. Establishments Providing Printing, Photocopying, Blue- printing, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P	P	
2023. Professional Pharmacy							P	P	P		P			

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS	COMMERCIAL AND INDUS- TRIAL DISTRICTS
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USES	RC	RR	R20	R13	R7	RM F	NB	LB	GB	WC I	EO	IL	IG
CATEGORY 12 - MOTOR VEHICLE / TRANSPORTATION													
1. Car Wash								S	P		S		
2. Automobile Fuel Dispensing Establishment/ Service Station (May include accessory convenience store and/or car wash)									P		S	P	
3. Auto Repair Garage									S			P	P
4. Auto Body Work & Painting												P	P
5. Auto or Light Truck Sales, Rental, Service (Including Motorcycles or R.V.'s) a) Without Auto Body Work & Painting b) With Body Work & Painting									P		S	P	P
									S		S	S	P
6. Heavy Truck and Equipment Sales, Rental, Service									S			P	P
7. Farm Equipment Sales, Rental, Service									S			P	P
8. Manufactured Home Sales, Rental, Service									S			S	S
9. Boat Sales, Service, Rental, and Fuel Dispensing									P	P		S	
10. Marine Railway, Boat Building and Repair										P		P	P
11. Truck Stop												S	S
12. Truck Terminal												P	P
13. Heliport									S		S	S	S
14. Helipad									S		S	P	P
15. Airport											S	S	S
16. Bus or Rail Terminal									P		S	P	P
17. Taxi or Limousine Service									P			P	
18. Towing Service / Auto Storage or Impound Yard												S	S
19. Automobile Graveyard, Junkyard													S
20. Bus Service/Repair Facility												P	P

ARTICLE IV. PERFORMANCE STANDARDS FOR USES

DIVISION 7. TEMPORARY USES (CATEGORY 8)

Sec. 24.1-443. Standards for flea markets.

~~Temporary administrative permits~~ Special use permits may be issued for flea markets operated on a temporary basis subject to the following provisions, the compliance with which shall be indicated on a detailed sketch plan drawn to scale submitted at the time of application.

ARTICLE VI. OFF-STREET PARKING AND LOADING

* * *

Sec. 24.1-601. General provisions.

- (a) All required off-street parking or loading spaces shall be maintained for parking or loading use for as long as the principal use for which such spaces were established shall remain.
- (b) No enlargement of a building, structure or use shall be made in such a way as to reduce the number of existing parking or loading spaces below the minimum number required unless provisions are made elsewhere on the premises to replace any required spaces which may have been removed. Additional parking or loading spaces shall be provided to accommodate any additional demand created by such enlargement.
- (c) In the event more than one principal use which requires parking or loading space is erected or established on the same premises, parking or loading space shall be provided on the basis of the sum of the required spaces for each use, except in the case of approved planned developments. For the purpose of this section, a shopping center shall be considered a principal use and, except for theaters or bingo halls located within such centers, parking requirements need not be calculated separately for each establishment therein.
- (d) No required off-street loading area shall be used to satisfy the space requirement for any off-street parking facilities.
- (e) The parking or loading requirements established herein shall be superseded if different requirements are established by the board as a condition of other approvals required by this chapter.
- (f) Where transportation demand management (TDM) techniques which reduce parking demand are to be utilized in accordance with the applicable provisions of article II, the parking requirements established herein shall be superseded.

ARTICLE VII. SIGNS

Sec. 24.1-701. Sign classifications.

Signs, as defined in article I, shall be classified according to one or more of the following definitions:

Political sign. A temporary sign which pertains to an issue of public concern or to an issue or candidate in a pending election.

Sec. 24.1-703. Permitted signs.

The following table indicates the functional class, structural class, area, height, and type of illumination of signs permitted within each of the zoning districts prescribed by this chapter. All such signs shall be in accordance with the general provisions established in section 24-702.

SECTION 24.1-703. DISTRICT SIGN REGULATIONS

Functional Class	Districts Where Permitted	Structural Class					Limitation Illumination Type			Free-Standing Signs		Maximum Cumulative Sign Area per lot or parcel exclusive of free-standing sign
		Free-standing	Mar- quee/Canopy Projecting	Roof	Wall		None	Internal	External	Maximum Area ⁽²⁾	Maximum Height ⁽⁴⁾	

Sec. 24.1-704. Temporary signs.

The zoning administrator, upon application, may issue permits for the following temporary signs:

- (g) Political headquarters signs in commercial and industrial districts which are in addition to the signs otherwise permitted on the subject property and which do not exceed thirty-two (32) square feet [3m²] may be erected not earlier than sixty (60) days prior to the election, canvass, or primary to which such signs pertain

and shall be removed within seven (7) days following the election, canvass or primary.

Sec. 24.1-707. Exempt signs.

The following signs may be erected, altered or maintained in any zoning district when in accordance with the general provisions established in section 24.1-702, provided however, that permits shall not be required unless specifically noted.

- (g) Non-illuminated political signs and posters of less than or equal to six (6) square feet [0.5m²] in area, ~~provided that all such signs shall be removed within seven (7) days following the election, canvass or primary.~~

ARTICLE VIII. NONCONFORMING USES

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Sec. 24.1-805. Validity of previously-issued permits and approvals.

No provision of this chapter shall be construed to affect the validity of any of the following:

- (a) Any building permit legally issued prior to the adoption of this chapter or amendments thereto, provided that all of the terms and conditions of such permit are observed.
- (b) Any site plan which received either preliminary or final approval prior to the adoption of this chapter or amendments thereto, provided that all time limitations relative to the period of validity of said plan approval are observed.
- (c) Any special use permit lawfully authorized by the board prior to the adoption of this chapter or amendments thereto, provided that all of the terms and conditions of such permit are observed. Other provisions of this chapter notwithstanding, any use legally established by use permit which subsequently becomes nonconforming may be altered, enlarged, expanded or changed with approval of the board in accordance with the provisions of section 24.1-115(d) of this chapter ~~all the provisions then applicable to the issuance of use permits.~~
- (d) Subdivisions granted approval prior to the adoption of this chapter or amendment thereto, may proceed to record provided that all of the terms and conditions of plan approval, including time limits, are observed, and that the lot size and con-

struction of buildings shall be in accordance with the area and dimensional requirements existing at the date of such approval. The front setbacks, and side and rear yard requirements shall be clearly shown on such plats. An approved preliminary subdivision plat, duly signed and dated by the agent, as defined in the subdivision ordinance, shall constitute approval for the purpose of this section if executed in accordance with all applicable laws.

- (e) Any approval of a planned development granted prior to the adoption of this chapter or amendment thereto. Such development may proceed to record provided that all of the terms and conditions of the approval, including time limits, are observed. An approved detailed plan for at least one (1) section of the development shall constitute approval for the purpose of this section.

ARTICLE IX. APPEALS

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Sec. 24.1-901. Powers and duties.

The board of zoning appeals shall have all the powers and duties as prescribed in section 15.2-230945.1-495, Code of Virginia, and as set forth below:

- (a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or any amendment thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

- (e) None of the provisions of this section shall be construed as granting the board of zoning appeals the power to reclassify property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the board of supervisors.

Sec. 24.1-903. Procedures.

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- (b) *Appeals of administrative decisions.* An appeal to the board of zoning appeals may be made by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator or from

any other requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter. Such appeal shall be made within thirty (30) days after the decision appealed from by filing with the secretary of the board of zoning appeals an application and a notice of appeal specifying the grounds thereof; provided, however, that any appeal from a notice of violation involving temporary or seasonal commercial uses (reference Section 24.1-306, Category 8), parking of commercial trucks in residential zoning districts (reference Section 24.1-271), or which in the opinion of the Zoning Administrator constitute a series of similar short-term, recurring violations shall be made within ten (10) days. The secretary shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the appealed action was taken. An appeal shall stay all proceedings in furtherance of the appealed action unless the zoning administrator certifies to the board of zoning appeals that, by reason of facts stated in such certificate, a stay would, in the administrator's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board of zoning appeals or by a court of record, on application and on notice to the administrator for good cause shown.

Sec. 24.1-904. Appeals from decisions of board.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officers, department, board or bureau of the county may present to the county circuit court, within thirty (30) days after the filing of the final decision by the board of zoning appeals, a petition specifying the grounds on which aggrieved. The court shall review and decide on such petition in accordance with the provisions established by section 15.2-2314~~15.1-497~~, Code of Virginia.